

~~ADMINISTRATIVE - INTERNAL USE ONLY~~

OCA 87-5189
8 October 1987

MEMORANDUM FOR: Director of Security
Chief, Administrative Law Division/OGC

FROM: [REDACTED] Legislation Division
Office of Congressional Affairs

SUBJECT: Powers of the Security Protective Officers

1. A provision in the Treasury Appropriations Bill, as passed by each house of Congress, states that guards of Federal buildings have powers of special policemen as provided by 40 U.S.C. 318, but are not restricted to Federal property. While this statement is made with respect to the availability of funds to the General Services Administration (GSA), the section further states that when the GSA Administrator delegates the authority to protect buildings to the head of the affected agency, that agency's guards have the powers just described. Accordingly, should it be necessary to expand the jurisdiction of the Agency's Security Protective Officers, this provision would provide the means to do so. It is not at all clear how the oversight committees would respond to this interpretation, however.

2. Should you wish to discuss the provision (attached), please telephone me on [REDACTED] at your earliest convenience.

Attachment

Distribution:

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OCA/Leg [REDACTED] pap (8 October 1987)

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Calendar No. 315

100TH CONGRESS
1ST SESSION

H. R. 2907

[Report No. 100-160]

IN THE SENATE OF THE UNITED STATES

JULY 21 (legislative day, JUNE 23), 1987

Received; read twice and referred to the Committee on Appropriations

SEPTEMBER 17, 1987

Reported by Mr. DECONCINI, with amendments

[Omit the part struck through and insert the part printed in italic]

AN ACT

Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1988, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any money
4 in the Treasury not otherwise appropriated, for the Treasury
5 Department, the United States Postal Service, the Executive
6 Office of the President, and certain Independent Agencies,

1 allowances or proceeds of sales of personal property may be
2 used in whole or part payment for acquisition of similar
3 items, to the extent and in the manner authorized by law,
4 without reimbursement to the Treasury.

5 SEC. ~~600~~ 608. No part of any appropriation contained
6 in this or any other Act, shall be available for interagency
7 financing of boards, commissions, councils, committees, or
8 similar groups (whether or not they are interagency entities)
9 which do not have a prior and specific statutory approval to
10 receive financial support from more than one agency or
11 instrumentality.

12 SEC. ~~610~~ 609. Funds made available by this or any
13 other Act to (1) the General Services Administration, includ-
14 ing the fund created by the Public Building Amendments of
15 1972 (86 Stat. 216), and (2) the "Postal Service Fund" (39
16 U.S.C. 2003), shall be available for employment of guards for
17 all buildings and areas owned or occupied by the United
18 States or the Postal Service and under the charge and con-
19 trol of the General Services Administration or the Postal
20 Service, and such guards shall have, with respect to such
21 property, the powers of special policemen provided by the
22 first section of the Act of June 1, 1948 (62 Stat. 281; 40
23 U.S.C. 318), but shall not be restricted to certain Federal
24 property as otherwise required by the proviso contained in
25 said section and, as to property owned or occupied by the

1 Postal Service, the Postmaster General may take the same
2 actions as the Administrator of General Services may take
3 under the provisions of sections 2 and 3 of the Act of June 1,
4 1948 (62 Stat. 281; 40 U.S.C. 318a, 318b), attaching there-
5 to penal consequences under the authority and within the
6 limits provided in section 4 of the Act of June 1, 1948 (62
7 Stat. 281; 40 U.S.C. 318c): *Provided*, That when the Ad-
8 ministrator of General Services delegates responsibility to
9 protect property under his charge and control to the head of
10 another Federal agency, that agency may employ guards to
11 protect the property who shall have the same powers of spe-
12 cial policemen in same manner as the foregoing.

13 ~~SEC. 611.~~ None of the funds available under this or any
14 other Act shall be available for administrative expenses in
15 connection with the designation for construction, arranging
16 for financing, or execution of contracts or agreements for
17 financing or construction of any additional purchase contract
18 projects pursuant to section 5 of the Public Building Amend-
19 ments of 1972 (Public Law 92-313) during the period begin-
20 ning October 1, 1976, and ending September 30, 1988.

21 SEC. ~~612~~ 610. None of the funds made available pursu-
22 ant to the provisions of this Act shall be used to implement,
23 administer, or enforce any regulation which has been disap-
24 proved pursuant to a resolution of disapproval duly adopted
25 in accordance with the applicable law of the United States.